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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,532	03/30/2004	Weiwen Zhu	IDF 2667 (4000-18800)	3300
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/812,532

**Applicant(s)**

ZHU, WEIWEN

**Examiner**

RANODHI N. SERRAO

**Art Unit**

2441

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 30-37 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 September 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see remarks, filed 30 June 2008, with respect to claims 1-8 have been fully considered and are persuasive. Therefore the rejection of these claims has been withdrawn.
3. Applicant's arguments, see remarks, filed 30 June 2008, with respect to the rejection(s) of claim(s) 9-11 and 23-29 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.
4. Applicant's arguments regarding claims 30-37 have been fully considered but they are not persuasive.
5. Applicant stated,

*As noted above, claims 30 and 34 were clarified so as to recite method claims corresponding to the originally presented system claims 1 and 9, respectively. Accordingly, Applicant respectfully requests rejoinder of these claims.*

6. The examiner points out that as per MPEP 821.04, in order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim. A withdrawn claim that does not require all the limitations of an allowable claim will not be rejoined. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn. Therefore claims 30-37 remain withdrawn. See also MPEP 821.04(a) and 821.04(b).

#### ***Allowable Subject Matter***

7. Claims 1-8 are allowed.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 9, 11, 23, 24, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradley et al. (2005/0027871).**

10. As per claim 9, Bradley et al. teaches a system for wirelessly accessing a content and applications to present the content, comprising: a mobile device configured to wirelessly request the content (see Bradley et al., ¶ 192), comprising: a memory configured to store less than all of a plurality of applications at a time; and a content presentation device configured to present the content with one of the applications stored in the memory (¶ 581-582); a swapping component configured to provide any of the plurality of the applications to the mobile device, each of the plurality of applications configured to present the content with the content presentation device according to a corresponding one of a plurality of content management protocols (¶ 583); a content component configured to receive a request for the content from the mobile device and to communicate the content to the mobile device according to a first of the plurality of content management protocols (¶ 584-586), wherein the swapping component provides a first of the plurality of applications to present the content with the content presentation device according to the first of the plurality of content management protocols, and wherein at least a portion of the communication is accomplished wirelessly (¶ 587-589).

11. As per claim 11, Bradley et al. teaches a system wherein the content is further defined to be selected from the group comprising text, audio, video, music, audio/video, and encrypted contents (¶ 321).

12. As per claim 23, Bradley et al. teaches a system for accessing content secured according to a plurality of content management protocols (¶ 15), comprising: a first

mobile device configured for presentation of content (§ 147), comprising: a first client component configured to use the content according to a first digital rights management protocol (§ 153); a second mobile device configured for presentation of content (§ 201), comprising: a second client component configured to use the content according to a second digital rights management protocol (§ 202); and a multi-protocol content server in communication with the first and second client components and configured to receive a first request for content from the first client component according to the first digital rights management protocol and to return the content to the first client component according to the first digital rights management protocol (§ 321-322), the multi-protocol content server further configured to receive a second request for the content from the second client component according to the second digital rights management protocol and to return the content to the second client component according to the second digital rights management protocol (§ 323-325).

13. As per claim 24, Bradley et al. teaches a system further including: a first license server configured to receive a request for a first license associated with the content in the first digital rights management protocol and to return the first license in accordance with the first digital rights management protocol (§ 551); and a second license server configured to receive a request for a second license associated with the content in the second digital rights management protocol and to return the second license in accordance with the second digital rights management protocol (§ 553-560).

14. As per claim 26, Bradley et al. teaches a system where the content is selected from the group comprising text, audio, video, music, audio/video, and encrypted contents (§ 321).
15. As per claim 27, Bradley et al. teaches a system, further comprising: a second content component configured to receive a second request for second content from the mobile device and to communicate the second content to the mobile device according to a second of the plurality of content management protocols, wherein the swapping component provides a second of the plurality of applications to present the content with the content presentation device according to the second of the plurality of content management protocols (§ 550-560).
16. As per claim 28, Bradley et al. teaches a system, wherein the mobile device further comprises: an application manager configured to request an application not stored in the memory from the swapping component, and wherein the swapping component provides the application to the mobile device based on the request from the application manager (§ 206).
17. As per claim 29, Bradley et al. teaches a system, wherein the memory is configured to only store one of the plurality of applications at a time (§ 207).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**20. Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley et al. as applied to claim 9 and 23 above, and further in view of Kontio et al. (7,421,411).**

21. As per claim 10, Bradley et al. teaches the mentioned limitations of claim 9 above but fails to teach a system wherein the first of the plurality of content management protocols is selected from the group comprising the open digital rights management language and the extensible right markup language protocols. However, Kontio et al. teaches a system wherein the first of the plurality of content management protocols is selected from the group comprising the open digital rights management language and the extensible right markup language protocols (see Kontio et al., col. 11, line 66-col. 12, line 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bradley et al. to a system wherein the first of the plurality of content management protocols is selected from the group comprising the open digital rights management language and the extensible right markup language protocols in order to enable a wireless device in a mobile communication environment to obtain rights to protected content of a digital asset (see Kontio et al., abstract).

22. As per claim 25, the above-mentioned motivation of claim 10 applies fully in order to combine Bradley et al. and Kontio et al. Bradley et al. and Kontio et al. teach a system wherein the first and the second digital rights management protocols are selected from the group comprising open data rights language, extensible right markup



language, Sony digital rights management, and Apple Computer digital rights management protocols (see Kontio et al., col. 11, line 66-col. 12, line 6).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. N. S./

Examiner, Art Unit 2441

10/7/2008

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

